

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

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and

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before the

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Committee on Resources

United States House of Representatives

In the matter of

Hearings on H.R. 3390 and H.R. 3331, the Atlantic Highly Migratory Species Conservation Act of 1999, and other legislative and administrative proposals to reduce bycatch in the U.S. Pelagic Longline Fishery

February 8, 2000

Washington, D.C.

Thank you for the opportunity to present testimony on legislative and administrative proposals to address bycatch in the US pelagic longline fishery. For the record, I serve as a consultant to the US pelagic longline fleet as represented by the Blue Water Fishermen's Association (BWFA), and I serve as the US Commissioner to ICCAT representing the commercial fishing industry.

Mr. Chairman, you have directed me to address six specific issues in my testimony and I will proceed accordingly. But, before I do, I would first like to thank you for your tireless attention to the intensely complex domestic and international challenges we face in the management of highly migratory species of

fish. I have greatly appreciated our productive discussions on this topic and have left all of them with a greater knowledge and understanding. I also appreciate your making your staff consistently available to contribute to our efforts at ICCAT. We need all the help we can get.

This particular challenge to design an appropriate and effective solution to the problem of bycatch of billfish and small swordfish in the U.S. pelagic longline fleet involves an exceptionally complex matrix of science, social and economic considerations, politics and emotion at each of the local, domestic and international levels.

My colleagues and I took on this challenge and strongly believe we have presented Congress with the most effective and viable solution. There were several basic principles we followed that I believe will make our proposed solution successful.

(1) Our proposal is based on clear and achievable objectives that are of mutual benefit to each of the Parties. As set forth in our Memorandum of Understanding and Cooperation, these objectives are:

1. To achieve meaningful reductions in the bycatch and fishing mortality of undersized swordfish and all billfish species in the Atlantic and Gulf of Mexico pelagic longline fisheries within the U.S. Exclusive Economic Zone through the establishment of highly migratory species conservation zones that apply time-area closures to pelagic longline fishing based on the best available scientific information.
2. To provide compensation to U.S. pelagic longline fishermen substantially adversely affected by the establishment of HMS conservation zones and the application of time-area closures through a permit buyback program.
3. To prevent adverse impacts on the economics or conservation of potentially impacted non-HMS fisheries.
4. To conduct scientific research investigating pelagic longline fishing gear and methods that reduce billfish and other highly migratory species catch and mortality while maintaining the viability of the fishery.
5. To advance the principles of small, undersized swordfish and billfish bycatch reduction at ICCAT.
6. To promote a spirit of alliance, unity and mutual respect among the various sectors of the U.S. Atlantic recreational and commercial HMS fisheries.

(2) Our proposal respects the fundamental understanding reflected in US international policy that no nation alone can effectively conserve and manage these most highly migratory of species through a unilateral strategy. Instead, these unique fish and fisheries demand international cooperation and management throughout their range.

(3) Our proposal respects the basic tenets of domestic fishery policy as expressed by Congress in the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) with special emphasis on the principles of National Standard 9 to reduce bycatch, National Standard 8 to minimize adverse economic impacts on fishing communities, and National Standard 2 to use the best science available as our foundation.

(4) Finally, our proposal accepts the reality that this unique opportunity demands a unique solution and process to achieve it. In this way we may have strayed from the statutes, but I believe in a most positive and necessary way. Although we consulted heavily with both Congress and NMFS on various technical issues, the legislative solution we have brought to Congress comes from within the mainstream of the affected constituencies. It strikes a balance of interests in a way that cannot be achieved through the administrative procedure, the results of which are now completely dominated by litigation that is often driven by interests that are outside of the mainstream. In fact, the NMFS proposal now before us is a case in point.

We greatly appreciate the recognition of this unique opportunity by Congressmen Goss and Tauzin, as their bill, H.R. 3390, fully reflects the substance, spirit and intent of our proposal. We are equally proud to have Senators Breaux and Snowe and a number of other prominent Senators sponsor our proposal in the Senate. We also appreciate that the Chairman's bill also contains the core of our proposal, but we understand you have chosen to include additional provisions not recommended by our group on which I understand you want to generate some discussion.

At this point, therefore, I would like to proceed to respond to your specific request for discussion.

(1) Buyouts

In a very general way, I believe that consistency with the national fisheries policy and Congressional intent reflected in National Standard 8 alone compels a buyback to mitigate the extraordinary social and economic impacts of the time-area closures proposed in each of the various bills and the NMFS proposed rule.

In a similar way I think we should also look to National Standard 9 for Congressional policy guidance which requires that "conservation and management measures shall, to the extent practicable, minimize bycatch...". I understand the public record now under development on the NMFS proposed rule will strongly confirm that it is not "practicable" to minimize bycatch by closing vast areas of the ocean to fishing without mitigating the consequent adverse economic impacts, such as through a buyout.

Some have suggested that a policy of providing economic impact mitigation to fishermen should not be linked to fish conservation policy objectives at all. Some find it philosophically objectionable. Others just hate commercial fishermen. I find such a suggestion unsupportable. Congress has ingrained this policy linkage in the MSFCMA since its enactment and it was clearly reaffirmed with the addition of National Standard 8 and the provisions of 312(b) which provide authority for the development of buyback programs to achieve very specific conservation objectives in Council and State-managed fisheries. As reflected in the Act's title, fisheries conservation and management is by definition the conservation of fish through the management of fishermen--their families and communities. Socio-economics is a fundamental reality of fishery conservation.

In practice, Congress has used buyouts as a tool to address unique circumstances that develop in fisheries on an ad hoc basis. Each buyout to date has been tailored by Congress to fit these unique circumstances through a process that directly involves the affected constituencies in the design of the program. In each case, economic impact mitigation and conservation objectives were linked. I believe our proposal is entirely consistent with this precedent.

In any case, effective fisheries management is not a philosophical debate. The bottom line is, the unprecedented conservation benefits of our proposal could not be achieved without a well-conceived, industry-generated buyback program, period. That is practical reality we faced in negotiating this deal, and

that is why we believe this remains the best overall program that can be developed.

More specifically, given that the buyback proposals for those vessels impacted by the south Atlantic time-area closure set forth in both H.R. 3390 and H.R. 3331 reflect our proposal, we fully support them. Given that the NMFS proposal completely lacks any buyback or means to mitigate the adverse economic impacts of their proposed time-area closures, we reject the NMFS proposal.

I regret to point out, however, that BWFA is unable to support the second mid-Atlantic buyback proposed in section 7(k) of the Chairman's bill, H.R. 3331. The purpose of the south Atlantic time area closure buyback proposed in both H.R. 3331 and H.R. 3390 is to mitigate the social and economic impacts on fishermen whom are being asked to completely give up their ability to use their vessels in virtually any commercial fishery in the name of swordfish and billfish conservation. This purpose is clear and consistent with National Standard 8.

In contrast, it is not clear to BWFA what the purpose is of the second mid-Atlantic bight buyback set forth in section 7(k) of H.R. 3331. First, it is not associated with the social and economic impacts of a time-area closure. Second, the U.S. longline industry is not overcapitalized, so the purpose cannot be to help mitigate the economic impacts of overcapitalization as Congress did in the Bering Sea pollock fishery. Third, the pelagic longline fishery has not experienced a resource collapse or conservation crisis as was the case underlying the New England groundfish buyout funded by Congress. In fact, north Atlantic swordfish are currently at a sustainable yield that is about 65% of the maximum, and are now the beneficiaries of a ten-year rebuilding plan at ICCAT to increase this sustainable yield to 100% of the maximum. Furthermore, the yellowfin tuna population--the other primary target species-- is already at about 100% of the maximum sustainable yield.

Given the lack of a compelling economic or conservation rationale--or of an apparent national fishery policy basis-- for this second buyout, BWFA respectfully requests that the mid-Atlantic bight buyout provisions not be included in any legislation adopted by this Committee. Finally, I would reiterate that as a matter of practicality, the impetus for any buyout needs to come from within the subject constituency --if they are to succeed, buyouts need to be designed and widely supported by the affected industry.

(2) Conservation Benefits of Closed Area Proposals

I believe the conservation benefits of the closed areas proposed in the Chairman's bill and in the Goss/Tauzin bill are extraordinary and unprecedented. If put into the domestic context of National Standard 9, which requires bycatch to be minimized to the extent practical, I am unaware of any other fishery that has or ever will adopt an interpretation of "to the extent practical" that includes achieving an immediate reduction in the bycatch of key species by as much as 50% by closing over 160,000 square nautical miles of ocean to fishing.

If put into the international context of ICCAT, this proposal wildly transcends anything we have accomplished to date, but it does provide a very useful basis for our future negotiating objectives to expand this concept internationally.

For the record, approximately 52 percent of the small swordfish bycatch and 31 percent of the billfish bycatch reported by US pelagic longline fishermen in the US EEZ occurs in the time-area closures set forth in the Chairman's bill and the Goss/Tauzin bill.

What makes these figures even more meaningful is that the bulk of the vessels responsible for this bycatch will be removed from the fishery altogether through the buyout program. This has three important bycatch conservation benefits. First, the bycatch of bought-out vessels from inside the closed-areas will be eliminated. Second, the bycatch of bought-out vessels from outside of the closed areas will also be eliminated. Third, the bycatch of vessels not bought-out but which previously fished in the closed areas will be substantially reduced because they will be forced outside the closed "hot-spots" to fish in areas that have far lower concentrations of small swordfish and billfish. Thus, it is likely that the amount of bycatch reduction of these proposals will actually exceed 52 percent for small swordfish and 31 percent for the billfish species.

With respect to the Sanford bill, H.R. 3516, which proposes to ban longline fishing within the Atlantic EEZ, I believe that both the directed species and bycatch conservation effect would be strongly negative. To the extent a ban on pelagic longline fishing within the EEZ would result in the US fleet being substantially unable to catch the US share of the ICCAT quota of swordfish, such unused share of swordfish would be reallocated to other ICCAT nations all of which, with the exception of Canada, have profoundly worse swordfish compliance and bycatch records than the US. The likely consequence is that the overall catch of swordfish would increase to an overfishing level, and that the bycatch of small swordfish and billfish would increase substantially.

Furthermore, to the extent fishing by some US vessels would be displaced outside of the US EEZ, their fishing effort is likely to increase in the Caribbean and equatorial regions that have substantially higher concentrations of billfish and, thus, billfish bycatch. Such areas are also known to be spawning areas for swordfish. The likely result is that billfish bycatch would increase and swordfish conservation would be degraded.

In addition, to the extent some US vessels would re-flag their fishing vessels outside of the US, the US would lose all management control over such vessels, both with respect to directed harvests of swordfish and bycatch species.

Finally, I would note that contrary to the national fisheries policy set forth in National Standard 10, which requires conservation and management measures to promote the safety of human life at sea, the Sanford bill may have the effect of forcing US vessels--perhaps vessels too small to do so-- to fish outside the US EEZ in areas which substantially compromise their safety.

For these reasons, BWFA strongly opposes the Sanford bill (H.R. 3516) and urges the Committee to reject it completely.

With respect to the NMFS proposal, I would first refer the Committee to the conclusions set forth in the NMFS proposal itself which describes the conservation impacts of their "preferred option" as having a rather mixed result depending on the species and assumptions about displacement. This analysis betrays one of the fundamental flaws in the NMFS proposal, which is the failure to include a buyout program that would substantially minimize the conservation problems associated with displacement.

In addition, BWFA would like to take issue with the manner in which directed and bycatch species catches in the Gulf of Mexico are presented in the supporting documentation to the NMFS proposed rule. BWFA believes the NMFS draft Technical Memorandum uses a statistical "sleight of hand" to present the expected impacts of various closure scenarios. For example, the document combines the estimated percentages of Bigeye, Albacore, Yellowfin, and Skipjack tunas (BAYS) catch reductions for the Gulf closure areas and

times. However, only 10 percent of the longline albacore catches are made during the closure months of March through September while more than 70 percent of the longline yellowfin catches occur during those months.

The NMFS document then compounds the confusion by lumping together the entire Gulf and Atlantic US pelagic longline catch for all four species as the basis for evaluating the economic impacts of their proposal even though the Gulf catches of albacore, bigeye and skipjack are minor. The Gulf longline fishery is primarily a yellowfin tuna fishery. As a result of this manipulation of data, NMFS projects that the expected reductions in the catches of the combined BAYS tunas range from 2 percent to 24 percent. This substantially hides the true negative economic impact of their time-area closure proposal on the Gulf of Mexico yellowfin tuna longline fishery. In fact, the NMFS proposal would impose a devastating 72 percent reduction in landings of Gulf longline yellowfin tuna--the primary directed species of that fishery. In contrast, the entire US Gulf marlin and sailfish longline mortalities only represent 7 tenths of 1 percent of the total 1998 Atlantic marlin and sailfish mortalities reported to ICCAT. In other words, the NMFS alternative would propose to sacrifice 72 percent of the US Gulf directed yellowfin tuna longline fishery in order to reduce Atlantic billfish mortalities by something less than 7 tenths of one percent.

Furthermore, the NMFS preferred time-area closure option for the Gulf of Mexico indicates that the bycatch of bluefin tuna in the Gulf longline fishery would be reduced by as much as 60%. This percentage reduction may be a correct figure, but it needs to be put into proper context in order to reveal the true bycatch conservation savings as compared to the devastating social and economic price. In fact, in 1998 the US Gulf pelagic longline fleet bycatch (regulatory discards) of bluefin tuna was only 36 fish. Therefore, a 60 percent reduction in the bycatch of bluefin tuna would translate into a bycatch savings of only 22 fish. Again, put into context, the total 1998 US commercial and recreational estimated harvest of bluefin tuna was about 13,250 fish. Again, the NMFS proposal would sacrifice 72 percent of the directed Gulf yellowfin tuna longline fishery in order to save less than 2 tenths of one percent (0.0017) of the bluefin tuna caught in the US.

(3) Displacement

Perhaps the only definitive statement that can be made about displacement is that any of the 68 eligible vessels that accept the south-Atlantic closure buyout under the Chairman's bill and the Goss/Tauzin bill will not be displaced into other areas or other commercial fisheries. As compared to the NMFS proposal, which presents a rather tortured analysis of the impacts of displacement in the absence of a buyout, the buyout represents a substantial, tangible benefit in this respect. If anything, this NMFS analysis of effort displacement confirms the need for a buyout in terms of both bycatch and displacement.

Beyond this conclusion, there are a number of indications and assumption we can present that lead us to conclude that fishing effort displacement will not be a significant problem under our proposal as reflected in the Goss/Tauzin bill.

First, it is expected that overall fishing effort in the US pelagic longline fleet will decrease as a result of the buyout. Significant increases in fishing effort by non-buyout vessels fishing elsewhere in and outside of the US EEZ is not feasible since such vessels are already fishing at or near their maximum capacity. Furthermore, there is already in place a limited entry program for pelagic longline fishing vessels that precludes any new entrants into the fishery and that places significant limits on the ability of a vessel owner to increase the fishing capacity of any permitted vessel. What we do expect to achieve as a result of our proposal is an increase in the catch per unit effort in the swordfish fishery as well as an increase in the

average size of the fish harvested.

For the benefit of the Chairman and others concerned about displacement into the mid-Atlantic bight area, given that at least one half of the 68 vessels eligible for the buyout placed part of their annual fishing effort the mid-Atlantic region, we can expect a significant decrease in fishing effort in the mid-Atlantic bight as a result of the buyout.

In addition, we do not expect those vessels now based in the mid-Atlantic bight that fished part-time in the south Atlantic closed areas to displace this effort back north into the mid-Atlantic bight. The reason is that these vessels fished in the south Atlantic closed area only during the colder winter months when fishing in the mid-Atlantic bight is unproductive. Thus, we would expect this effort to move further outside or south of the closed areas, but not to the north.

Furthermore, those vessels based in the vicinity of the south Atlantic closed area are among the smallest pelagic longline vessels in the US fleet. They are typically day-boats supplying a specialty, high-value fresh product market. A typical boat may be constructed of fiberglass and measure only 40 feet in length. These are not vessels that can fish in any other offshore pelagic longline fishery such as that which occurs in the mid-Atlantic bight. Thus, any of the 68 vessels that choose not to accept the buyout may choose to pack up their family and move to fish somewhere else in some other fishery, but they would definitely not be suited to safely or practically fish in the mid-Atlantic bight pelagic longline fishery.

Finally, because under the Goss/Tauzin bill the remaining non-buyout fleet would have the same US ICCAT quota of swordfish available to distribute over a smaller universe of vessels, the stability and economics of opportunities to fish in the distant water Grand banks fisheries would increase. Most of the mid-Atlantic-based pelagic longline vessels are of the size and design that would enable them to participate in that fishery. Again, this would result in a reduction of fishing effort in the mid-Atlantic bight.

Because these assumptions about effort displacement cannot be tested or confirmed until the bill is implemented and the fishery is prosecuted for at least one season, it is impossible to address in very specific terms this otherwise valid concern. Nevertheless, BWFA is interested in working with the Chairman on the provisions set forth in Section 12 of the Chairman's bill which we believe can address the core of the Chairman's concern in a general but effective way. Our best advice to the Chairman is to focus this provision on monitoring the number of hooks as the single most effective and practicable measure of fishing effort in this fishery, and to have this information reported to Congress for your evaluation of the proper course of action.

Other parameters of fishing effort such as days at sea, number of sets, length of line and soak-time are highly variable and very difficult to measure. We have found, as has NMFS, that the most reliable and measurable indication of pelagic longline fishing effort is number of hooks fished. With these changes, we believe the provision will effectively achieve the Chairman's objective to prevent any significant displacement of effort into the mid-Atlantic bight.

(4) Restrictions on Buyout Vessels

Our proposal as reflected in both the Chairman's bill and the Goss/Tauzin bill places very substantial restrictions on the use of vessels accepting the buyout. We felt it was essential to prevent any of these vessels from circumventing our billfish and small swordfish bycatch conservation objectives and from disrupting other commercial fisheries. Furthermore, we were concerned that these vessels not be allowed to

operate outside of US fishery management control by reflagging into other countries. We believe we have achieved these objectives by placing restrictions on the use of these vessels that prevent them from entering any other pelagic longline fisheries and virtually any other commercial fishery in or outside the US.

Importantly, our proposal does not include a buyout of the actual vessels. This was in part a fiscal concern and in part a reflection of our respect for the fact that these fishermen are being asked to give up their livelihoods on these vessels. We do not believe it should be the purpose of Congress to banish these fishermen from working on the water and pursuing what is often an intensely and personally held desire to work at sea. We felt if any vessel owner/operator could find alternative uses for their vessels outside of commercial fishing that they should certainly be allowed to pursue this lifestyle. Thus, our proposal as reflected in both the Chairman's bill and the Goss/Tauzin bill would allow the use of such "buyout" vessels as private recreational and charter fishing vessels, towing vessels, etc.

It has come to our attention that there may be a position expressed by some associated with the recreational fishing industry that these vessels should not be allowed to operate as recreational charter boats. We wish to stress that BWFA and our CCA, TBF and ASA partners remain committed to allowing this use of the buyout vessels. Already, we are aware that several of the buyout vessel owners hope to pursue this business. We hope you will recognize that there will be very limited opportunities for these fishermen to continue their working lives at sea and that charter boat operating is a very important option.

Finally, as stated above, with respect to the vessel restrictions set forth in section 12 of the Chairman's bill, we look forward to working with the Chairman to modify the language to achieve an effective and practicable mechanism to monitor displacement of pelagic longline fishing effort into the mid-Atlantic bight.

BWFA would also like to register on the record that they are unable to support the provision added at the end of section 11(a) of the Chairman's bill that would impose a fee on the US pelagic longline fishing industry for observers placed on vessels operating in the mid-Atlantic bight. Our proposal provides for observers to be placed on vessels in both the Gulf of Mexico and in areas north of the south-Atlantic closure, including the mid-Atlantic bight, in order to facilitate and participate in the research program set forth in section 11 of the Chairman's bill and in the Goss/Tauzin bill. As you will note, the legislation includes an authorization of \$3 million per fiscal year for the purposes of carrying out this research program including such additional observer coverage in the mid-Atlantic bight.

BWFA feels very strongly that the imposition of an additional fee on the US pelagic longline fishery--a fishery that is already subject to an observer program, and that already provides substantially more scientific and fishery data to NMFS than any other sector of the highly migratory species fisheries, is both punitive and discriminatory. Furthermore, the revenue that would be generated by the fee duplicates the appropriations already authorized under section 16 of the Chairman's bill. BWFA respectfully requests that the addition provision added at the end of section 11(a) of the Chairman's bill, H.R. 3331, be removed.

(5) Amending the Atlantic Tunas Convention Act

As you know, Mr. Chairman, the addition of section 6(c)(3)(K) to the Atlantic Tunas Convention Act in 1990 and its subsequent improvements in 1995 were extremely important legislative achievements. For the record, this provision provides that:

"...no regulation promulgated under this section may have the effect of increasing or decreasing any

allocation or quota of fish or fishing mortality level to the United States agreed to pursuant to a recommendation of the Commission."

No other provision of law is more fundamental to our ability to effectively conserve and manage highly migratory species than this. It reflects the core of the understanding held by the US for many decades that no individual fishing nation can effectively conserve and manage these unique fish through unilateral measures. Instead, international management cooperation throughout the range of the fisheries is essential. Without this provision preventing unilateral preemption, it would be virtually impossible for the U.S. Commissioners to ICCAT to achieve the international cooperation or negotiate the international fishery management measures necessary to effectively conserve and manage these most highly migratory of all fish species.

Mr. Chairman, as you stated on the House floor on October 23, 1990, when this provision was first added to the ACTA by the bill H.R. 2061:

"The bill also requires that any measures included within any management plan for highly migratory species must be consistent with any applicable treaty or international agreement to which the United States is a party, and that does not increase or decrease any allocation or quota of fish provided to the United States under such treaty or agreement.

This is an extremely important change. Heretofore, management plans could be developed regardless of any international agreement or consensus. This has put the United States in a very tenuous negotiating position when trying to obtain international cooperation for conservation and management measures.

Effective management for highly migratory species must involve and coordinate efforts over the entire range of the species and include all harvesting nations. Otherwise, conservation efforts of our domestic fishermen will only result in protection of the species while in U.S. waters and would eliminate any incentive for other nations to cooperate or adopt equal measures. Such a situation is unfair and unacceptable.

U.S. fishermen must be given a reasonable opportunity to harvest the U.S. internationally agreed to allocation. This should not preclude complementary time-area closures or minimum size regulations which attempt to protect spawning stock. Any such complementary regulations for target and by-catch species must be reasonable and be based on adequate scientific data and not on political interest."

Mr. Chairman, I have never read a more clear and rational explanation of the importance of this provision and the fundamental theory behind international management of highly migratory species at ICCAT. A great deal has been accomplished in the ten years since you made that statement. The reason why is because you were absolutely right. There is no way we could have achieved anything significant at ICCAT without the absolute commitment of the US government to back-up our international negotiating efforts. US unilateral action would have completely eliminated any incentive or basis to achieve cooperation from other ICCAT nations, most of which have characteristically displayed far less conservation ethic than the US.

I am proud to report that in the past decade we have for the first time in any international fishery management regime put into place real enforcement provisions with tangible economic penalties against both non-member and member nations. We have established timely rebuilding plans for bluefin tuna and north Atlantic swordfish, and we have achieved the first-ever international conservation measures to substantially reduce the mortality of billfish in pelagic longline fisheries. Much more has to be done, of course, but we were able to do this, Mr. Chairman, because we knew that the US government would honor

our international commitments and faithfully implement such management measures back home. This provision in ATCA is one of the main reasons.

Mr. Chairman, since you made that enlightened statement on the House floor, absolutely nothing has changed that would suggest a need to modify that key provision of the ACTA as suggested in section 7(k) in your bill.

Also included in section 7(k) of your bill is an associated provision that would direct the Secretary of Commerce to reduce the US quota of swordfish by an amount commensurate to the amount of fish harvested by vessels accepting the second mid-Atlantic buyout proposed in your bill. First I would note that, with your and your staff's help, we have made great advancements for north Atlantic swordfish conservation. There is absolutely no legitimate conservation basis that might be used to support an argument to reduce the US quota of swordfish unilaterally. The north Atlantic swordfish stock is not in peril. It is now stable at a sustainable yield that is about 65 percent of the maximum, and we now have a solid plan in place to gradually increase the stock to a level that will produce the full 100 percent of the maximum sustainable yield within 10 years. I would note that it was many of your New Jersey longline fishermen that made the conservation sacrifices necessary to achieve this rebuilding plan at ICCAT last year. This is certainly not the time to abandon their sacrifices or our principles of international cooperation and management of highly migratory species at ICCAT and turn them over to a doomed strategy of unilateral management.

In addition to the reasons stated above, I want to make clear that any unilateral reductions in the US quota of ICCAT-managed species will only result in these fish being reallocated to other ICCAT nations. With the exception of Canada, which has a relatively small share of the north Atlantic swordfish fishery, all other north Atlantic swordfish fishing nations have a substantially higher bycatch rate of both billfish and small swordfish, as well as a poor record of compliance with the directed swordfish quotas. In addition, unlike the US pelagic longline fleet, no other ICCAT longline fleet has a requirement to release live billfish and so their rates of billfish bycatch mortality are much higher. The important point is that a unilateral reduction in the US quota for swordfish will have a substantially negative conservation consequence for billfish and small swordfish bycatch and it would likely lead to overall swordfish overfishing.

For all of these reasons, we strongly urge you to drop the provisions set forth in section 7(k) of your bill.

(6) Alternative to Buyout to Reduce Capacity in the US longline fleet.

The purpose of the buyout in our proposal, as reflected in the Goss/Tauzin bill, is not to reduce capacity in the US longline fleet. The purpose is to mitigate adverse economic impacts of closing vast areas of the US EEZ to pelagic longline fishing in order to achieve rather ambitious bycatch reduction objectives. The US longline fleet is not overcapitalized and so BWFA does not support any alternatives simply designed to reduce capacity in the U.S. longline fleet. In fact, in the past 10 years, the US pelagic longline fleet exceeded its quota in only 1 year, 1995, and in all other years posted minor under-harvests.

Pelagic longline fishing involving the size of vessels operated in the US is subject to a great many variables far beyond the control of the fishermen including weather and a range of environmental, hydrological and climactic variables and cycles that greatly affect the location and productivity of the fishing grounds. The fishing capacity of the present US pelagic longline fleet in any given year may be adequate or inadequate to harvest the US quota depending on these variables. In no case is there any basis to conclude that there is an overcapacity in this fleet that would justify a mechanism designed simply to reduce capacity.

Mr. Chairman, other members of the Subcommittee, I am very grateful for the opportunity to present this testimony before your Subcommittee. I am convinced that the many months of discussion and compromise among the Parties to our Memorandum of Understanding and Cooperation have produced a solution to the issue of bycatch in the US pelagic longline fishery that is the best possible solution that could be achieved. We ask for your full support and look forward to working with you to achieve speedy enactment.

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